

\*\*E-filed 5/31/07\*\*

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5 Attorneys for Defendant  
UNION PACIFIC CORPORATION

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

12 ARTHUR G. MAIONCHI, EDWARD A.  
MAIONCHI, THOMAS S. DINETTE, and  
13 CHARLES J. KRAFT,

14 Plaintiffs,

15 v.

16 UNION PACIFIC CORPORATION, a Utah  
corporation,

17 Defendant.

18 Case No.: C-03-0647-JF

19 STIPULATION AND [PROPOSED]  
ORDER TO EXTEND CERTAIN  
PRETRIAL DATES

20 Plaintiffs Arthur G. Maionchi, Edward A. Maionchi, Thomas S. Dinette, and Charles K.  
21 Kraft and Defendant Union Pacific Corporation (“Union Pacific”) hereby stipulate to extend  
22 certain pretrial dates for approximately three to four weeks to enable the parties to devote their  
23 resources to engaging in further settlement discussions, and request that the Court enter the  
24 accompanying proposed order granting the requested extensions.

25 1. At the most recent case management conference, held on February 2, 2007, the  
26 Court adopted the following pretrial and trial schedule, as proposed by the parties:

- 27 • Completion of Fact Discovery: April 27, 2007  
28 • Last Date for Disclosure of Experts: May 11, 2007



- 1       •     Close of Expert Discovery:                   May 31, 2007  
 2       •     Last Day to File Dispositive Motions:     June 8, 2007  
 3       •     Last Day to Hear Dispositive Motions:    July 20, 2007  
 4       •     Pretrial Conference:                          September 7, 2007  
 5       •     Trial:    October 2, 2007

6       2.     On January 22, 2007, the parties participated in a mediation session with Martin  
 7 Quinn of JAMS in San Francisco. The parties were unable to reach a settlement at that time.  
 8 The parties recently agreed to engage in a further mediation session with Mr. Quinn, but have  
 9 been informed that he is currently out of the country until June 11<sup>th</sup>, and that the first date he is  
 10 available is June 14<sup>th</sup>. The parties are in the process of scheduling a mediation session with Mr.  
 11 Quinn for June 14<sup>th</sup>.

12       3.     To enable the parties to devote their resources to settlement discussions, they  
 13 hereby stipulate to extend the deadlines for the close of expert discovery, and for filing and  
 14 hearing dispositive motions, as follows:

- 15       •     Close of Expert Discovery:                   June 26, 2007  
 16       •     Last Day to File Dispositive Motions:     June 29, 2007  
 17       •     Last Day to Hear Dispositive Motions:    August 10, 2007

18 The Pretrial Conference would remain September 7, 2007, and Trial Date would remain October  
 19 2, 2007.

20   Respectfully submitted,

21 DATED: May 29, 2007

BARG COFFIN LEWIS & TRAPP, LLP  
 JOHN F. BARG  
 MARC A. ZEPPETELLO

23   By:    /s/ Marc A. Zeppetello  
 24   MARC A. ZEPPETELLO  
 25   Attorneys for Defendant  
 UNION PACIFIC CORPORATION

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DATED: May 29, 2007

1 ALLEN MATKINS LECK GAMBLE  
2 MALLORY & NATISIS LLP  
3 DAVID D. COOKE

4 COX CASTLE & MICHOLSON LLP  
5 STUART I. BLOCK

6 By: /s/ David D. Cooke  
7 DAVID D. COOKE  
8 Attorneys for Plaintiffs

9 Attestation Regarding Signature: This document is being filed electronically under my  
10 user ID and Password. Pursuant to General Order 45, section XB, I hereby attest that  
11 concurrence in the filing of this documents has been obtained from each of the other signatories  
12 to this document. I declare under penalty of perjury under the laws of the United States that the  
13 foregoing is true and correct. Executed May 29, 2007.

14 By: /s/ Marc A. Zeppetello  
15 MARC A. ZEPPETELLO

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BARG  
COFFIN  
LEWIS &  
TRAPP  
ATTORNEYS  
LLP

1 [PROPOSED] ORDER  
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FOR GOOD CAUSE SHOWN, the Court modifies the case management schedule as  
3 follows:

- 4 • Close of Expert Discovery: June 26, 2007  
5 • Last Day to File Dispositive Motions: June 29, 2007  
6 • Last Day to Hear Dispositive Motions: August 10, 2007

7 The Pretrial Conference remains September 7, 2007, and Trial Date remains October 2, 2007.

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9 Dated: 5/31, 2007  
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Honorable Jeremy Fogel  
United States District Judge

BARG  
COFFIN  
LEWIS &  
TRAPP  
ATTORNEYS  
LLP

**PROOF OF SERVICE BY FACSIMILE TRANSMISSION**

I, Marianne Horn, declare that I am over the age of eighteen years and not a party to this action. I am an employee of Barg Coffin Lewis & Trapp, LLP (“the Firm”) and my business address is One Market, Steuart Tower, Suite 2700, San Francisco, California 94105-1475.

On May 29, 2007, I served the following document in this cause:

**STIPULATION AND [PROPOSED] ORDER  
TO EXTEND CERTAIN PRETRIAL DATES**

8 by facsimile transmission to the individuals and facsimile numbers set forth below. I caused said  
9 document to be transmitted by facsimile machine to the addresses listed below at the facsimile  
10 numbers listed below. I am readily familiar with the Firm's practice for transmissions by  
11 facsimile. Pursuant to that practice, transmissions are sent as soon as possible and are repeated, if  
12 necessary, until they are reported as complete and without error. In sending the above-described  
13 document by facsimile, I followed the Firm's ordinary business practices.

**14** David D. Cooke  
**15** Allen Watkins Leck Gamble Mallory  
    & Natsis LLP  
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    San Francisco, CA 94111  
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Facsimile: (415) 392-4250

**19** I declare under penalty of perjury under the laws of the State of California that the  
**20** foregoing is true and correct. Executed on May 29, 2007, at San Francisco, California.

/s/ Marianne Horn  
Marianne Horn

